

Daniel Ellsberg at FFF Conference, Part 5 of 8

<https://www.youtube.com/watch?v=wQ2wEcpMPQ> (<https://www.youtube.com/watch?v=wQ2wEcpMPQ>)

Uploaded by [The Future of Freedom Foundation](https://www.youtube.com/channel/UCqOG4zIDmbUk12Fzwg5tLA)
(<https://www.youtube.com/channel/UCqOG4zIDmbUk12Fzwg5tLA>) on Thu Sep 06 2007.

Daniel Ellsberg on "Iran and Iraq: The Need for Pentagon Papers" at the Future of Freedom Foundation's <http://fff.org> Restoring the Republic, 2007.

Daniel Ellsberg was born in Detroit in 1931. After graduating from Harvard in 1952 with a B. A. summa cum laude in Economics, he studied for a year at King's College, Cambridge University, on a Woodrow Wilson Fellowship.

Playlist of Ellsberg's lecture: http://www.youtube.com/view_play_list?p=5FFB8C4C61A02CF6

[00:00:00 \(https://www.youtube.com/watch?v=wQ2wEcpMPQ\)](https://www.youtube.com/watch?v=wQ2wEcpMPQ)

if the Constitution were used which it actually was the judge did releases it did get to the judge there was a degree of Independence in the judiciary the reason the judge kept it going for two weeks after the first revelation was that another point was that Nixon had offered him during the trial during this period to be director of the FBI replacing Hoover who had died and gray and that was his childhood ambition to be to replace Hoover some day instead of the FBI so the Constitution the idea of an independent judiciary in all these these things are not self-enforcing exactly a judge who wants to be appointed to an appellate level to a higher level as my judge would have been a second choice as to get that from the president if you want to be head of the FBI you get that from the president and that's a pretty pretty strong lever that the that they have on this thing and again going back to my trial for instance people say the system worked which is certainly true Here I am Here I am if I'd been found guilty of all charges I'd be getting out with good behavior in 2008 but let me tell you to other sites had cut both ways about my trial it turns out to my amazement as a layman and even to my lawyers that I hadn't committed any crime by any previous standard now that's true because of our First Amendment it turns out I got a very expensive education in this subject something that probably

[00:02:01 \(https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=121s\)](https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=121s)

this subject something that probably most lawyers here have not had occasion how many people here are lawyers not so many yeah okay I've talked to I've talked to good for all I can talk freely then out here the but I have talked to audiences of lawyers and I'm tell you why that's recently in the last couple of years it's kind of an interest in this case for a number of reasons we don't have the thanks of the First Amendment a marvelous anarchist statement or you prefer libertarian statement Congress shall pass no law abridging freedom fee it's a restriction on Congress and by inference the executive if Congress can't pass a law the executive cannot do this either and eventually the Supreme Court ruled that even applies to the states as well so you cannot a bridge freedom of speech and of the press well that has been modified a little bit on the laws of obscenity and very things libel but and there are in fact restrictions on putting out certain types of classified information specifically communications intelligence intercepts the kind of thing the NSA does to foreigners and now to us yeah and the but revealing that is illegal come back to that in a minute second the identities of intelligence agents that's a real terms of recent act after AG that arose in the plane case and then Libby the revelation of Valerie Plame's name as a covert agent and third the nuclear weapons data restricted data design and deployment various things

[00:04:00 \(https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=240s\)](https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=240s)

design and deployment various things about nuclear weapons I don't object any of those restrictions they're all they all are restrictions on free speech you could say the criminal but the idea of controlling all those is something that I don't even nowadays I've never objected to what we don't have is what Britain has and nearly every other country in the world but the mother country has an official secrets act and has for a long time which criminalizes any revelation of classified information or information that the government chooses to protect for whatever reasons of its own put in a safe maybe it's stamped in various ways any revelation of that for any reason tent is no element is criminal in fact two people just got convicted I believe in England of violations of the Official Secrets Act for putting out some information that the public had a right to know I would have said but that's Britain we got away from that and amazingly this is the country without an official secrets act now I didn't know that I assume there was I'd been told that the Espionage Act amounted to an official secrets act a dozen times when I signed agreements on secrecy which is many times every time I got a new clearance when I was in the Marines when I got promoted so assigning secrecy agreements which I broke in the end in the end but I signed them in good faith for sure with no expectation that I would have a problem with those those are contracts and the classification system turns out to be still an executive administrative order an administrative system for which breaking of which you're breaking your agreement you can be fired you can lose the

[00:06:02 \(https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=362s\)](https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=362s)

you can be fired you can lose the clearance lose access to particular kinds of information of all kinds that means lose promotions maybe be fired as I said it but you can't be imprisoned actually you can't even be fine your career can be ended which is very sufficient distance center for almost all occasions what we don't have is what I was what I was put on trial for this is rather amazing and I expect that hardly anybody here knows that the lawyers or non-lawyers let me put in the form of four facts which I which you don't have to believe because I say it but you can easily look it up I put it to you that the following artifacts the u.s. does not have an official secrets act the Espionage Act was not meant to be an official secrets act in fact in the legislation was passed in 1917 many of the legislature said now we do not want an official secrets act like Britain it's too restrictive of freedom of speech it is too it's the way to run an empire like Britain but we don't want to restrict freedom of speech that much and of the press the public has a right to know so they're very specific they referred to the British Official Secrets Act it's what they did not want the language of the Espionage Act does have language in it nevertheless that could be read to forbid what I did in effect an official secrets act but as I say the legislative history would indicate that was some kind of an accident or something that it wasn't man second if it were meant by Congress it would still be very questionable or you'll in in front of the in view of the Constitution the Act would be in those days 1971 know who and earlier would have been regarded as unconstitutional so first point we

[00:08:00 \(https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=480s\)](https://www.youtube.com/watch?v=wQ2wEcpMPQ&t=480s)

as unconstitutional so first point we don't have such an act second as a result of that lack of a law no one had ever been prosecuted before for a leak of classified information so that's the second proposition mine was the first with Tony Russo the first prosecution for the leak of classified information it was as unprecedented as the Supreme Court case just before the injunction which again was ruled to be against the First Amendment third fact nowadays Congress actually did pass an official secrets act ii not for the first time in october of two thousand and forth but by the way with Janet Reno mentioning General Janet Reno's approval so it's expected to be signed by the president but after a protest by the newspapers fourth Clinton vetoed it now so we don't have surgery how many people here knew any of those facts and I guess mission I don't oh come on don't be shy you did which one by the way or all of them Oh in the book now if you've read the book that doesn't thank you who has not read my book who knew any of that well supposing I'm right and that's a safe a safe assumption I'm telling you supposing i right isn't that interesting that nobody knows any of that and i can tell you that if you were all lawyers at most one or two of you would have raised your hands at this point and if you are all journalists one or two might have raised your hands now if you don't know you have a right it's like not having it and you don't notice when it's gone you don't know and hardly anybody knew that they had passed this act finally or the trenton vetoed it and

END